

STANDARD APPLICATION
**Harford County
Board of Appeals**

Bel Air, Maryland 21014

RECEIVED

JAN 20 2005

HARFORD COUNTY COUNCIL

Case No. 5470
Date Filed 01/07/05
Hearing Date _____
Receipt _____
Fee \$ 400

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5470 MAP 22 TYPE Special Exception

ELECTION DISTRICT 04 LOCATION 3114 Troyer Rd, White Hall

BY David L. Rose & Nancy Rose

Appealed because a special exception pursuant to Sec. 267-53D (1) of the Harford County Code to permit commercial vehicle storage in the Agricultural District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name DAVID L. ROSE & NANCY S. ROSE Phone Number CONTACT ATTORNEY
Address 3114 TROYER ROAD WHITE HALL MD 21161
Street Number Street City State Zip Code

Co-Applicant SAME Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative ALBERT J.A. YOUNG Phone Number 410-838-5500
BROWN, BROWN & BROWN, P.A.
Address 200 S. MAIN STREET BEL AIR MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3114 TROYER ROAD, WHITE HALL, MD 21161

Subdivision NONE

Lot Number NONE

Acreage/Lot Size 153.85 ACRES

Election District 04Zoning AG

Tax Map No. 22

Grid No. 3F

Parcel 5

Water/Sewer: Private X

Public

List ALL structures on property and current use:

Estimated time required to present case: 1 HOUR

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes x No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

SPECIAL EXCEPTION APPLICATION

**David L. Rose and Nancy S. Rose, husband and wife
(hereinafter the "Applicants")**

Background

Applicants are the owners of the subject property, located at 3114 Troyer Road, in White Hall, Maryland, identified as Parcel 5, on Tax Map 22. The subject property is zoned agricultural with an agricultural use assessment, and contains 153.85 acres, more or less.

For the past six months, Applicants have permitted a friend, who owns and operates a trash collection business, to park/store several commercial vehicles on the subject property. The owner of the trash collection business does not have adequate property to park and/or store the vehicles. Applicants have allowed the parking of the vehicles on their property in an effort to assist the owner with his business endeavors.

Applicants have received a zoning violation notice from the Harford County Department of Zoning Enforcement ("Zoning Enforcement"), dated December 10, 2004, advising that the parking of commercial vehicles in an Agricultural District is in violation of the Harford County Zoning Code ("Code") which requires a Special Exception approval.

Request

Applicants are requesting a Special Exception approval from *Section 267-53(D)(1) Special Exceptions, Motor Vehicle and Related Services, Commercial vehicle and equipment storage*, of the Code, to permit the parking and storage of commercial vehicles in an Agricultural District.

Justification

Pursuant to *Section 267-53(D)(1), Motor Vehicle and Related Services*, of the Code, the (existing) use may be granted in the AG District, provided that: (i) the vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads and (ii) a minimum parcel area of two (2) acres shall be provided. Additionally, Zoning Enforcement has required that no vehicle be parked within the front yard.

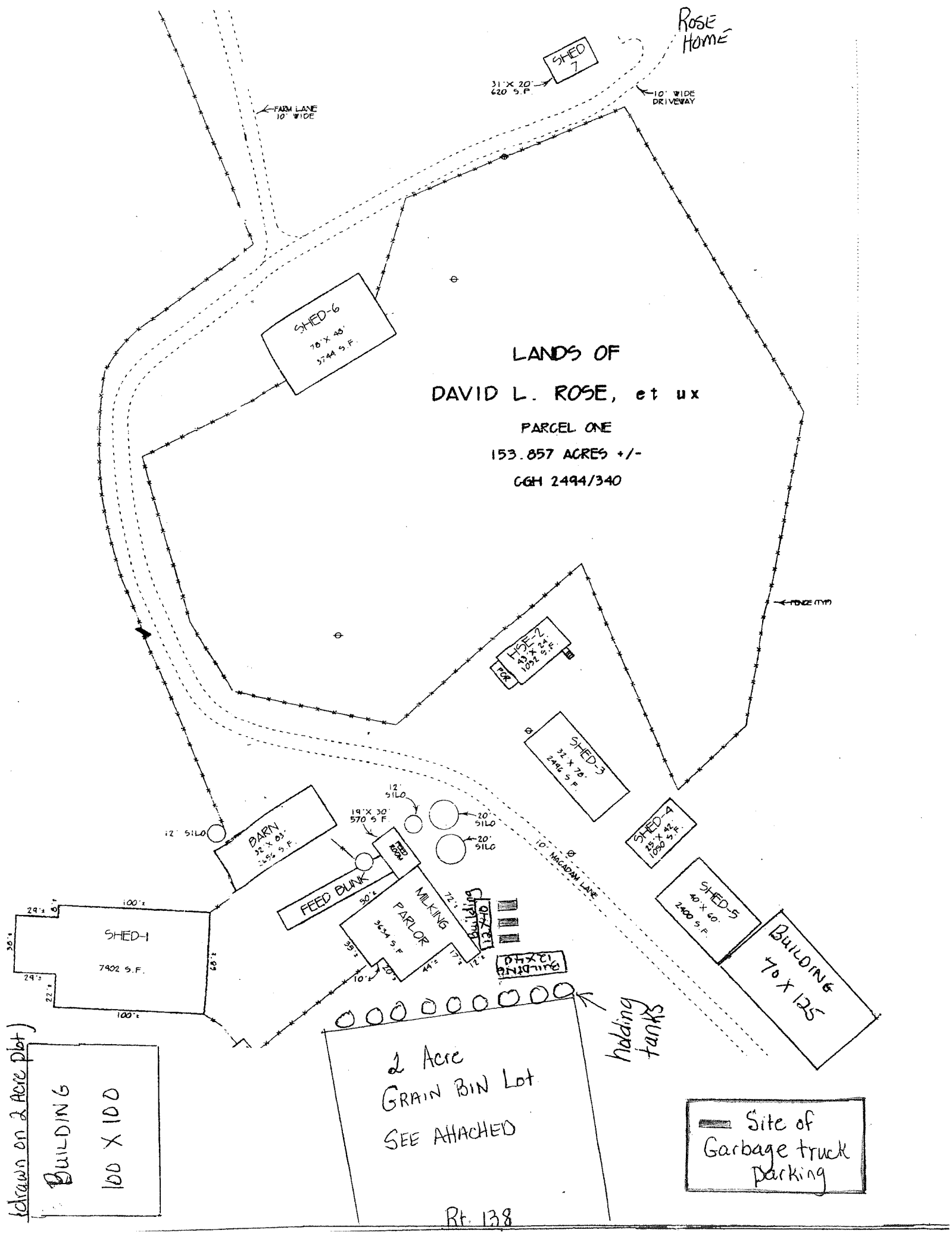
If the Special Exception is granted, Applicants agree to either cause to be constructed a building to entirely enclose the vehicles OR fully screen the vehicles from view of adjacent residential lots and public roads. Because the vehicles are parked and/or stored near the barn on the subject property, well away from the front yard and public road area, the vehicles are not visible from the public road. Additionally, the subject property contains 153.85 acres, well in excess of the minimum 2-acre parcel requirement.

Because the owner of the subject commercial vehicles lacks adequate available parking space, Applicants have granted permission to use their property. To require the owner to house the vehicles on his own property would cause a detriment to his business and livelihood.

SPECIAL EXCEPTION APPLICATION

**David L. Rose and Nancy S. Rose, husband and wife
(hereinafter the “Applicants”)**

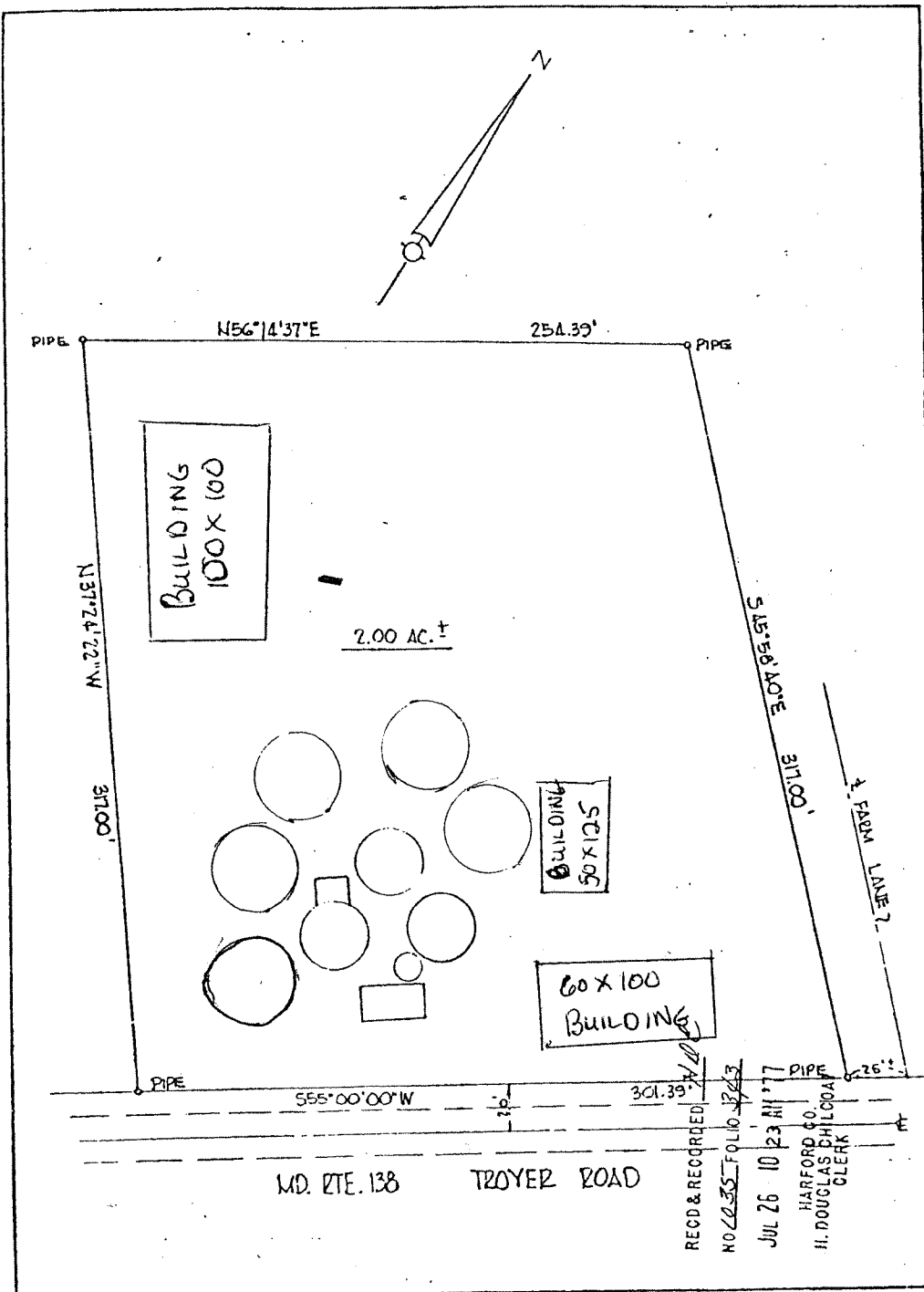
The parking/storage of the vehicles does not impact traffic, or any of the Limitations, Guides or Standards set forth in Section 267-9(I) of the Code. There is no detriment to adjacent properties and no impairment of the purpose of the Code or the public interest. Parking/storage of the vehicles has not resulted in a material negative impact on the value, use, or enjoyment of any adjoining parcel or property owner. Applicants can operate in full compliance with all other provisions of the Code.



drawn on 2 Acre Plot

BUILDING
100 X 100

Rt. 138



REC'D & RECORDED
 NO. 2235 FOLIO 1243
 JUL 26 10 23 AM '77
 HARFORD CO.
 H. DOUGLAS CHILCOA
 CLERK

	SURVEY PLAT LAND TO BE CONVEYED TO <u>HAROLD E. SMITH</u> 4 th ELECTION DISTRICT HARFORD COUNTY, MD.		SHENK-STILL ASSOCIATES, INC. 43 EAST LEE STREET BEL AIR, MARYLAND, 21014	
	DATE	SCALE	FILE NO.	
	30 MAR. 1977	1" = 50'	7714	

LIBER 1035 PAGE 346

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 9, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5470

APPLICANT/OWNER: David L. Rose and Nancy S. Rose
3114 Troyer Road, White Hall, Maryland 21161

REPRESENTATIVE: Albert J. A. Young
Brown, Brown and Brown, P.A.
200 South Main Street, Bel Air, Maryland 21014

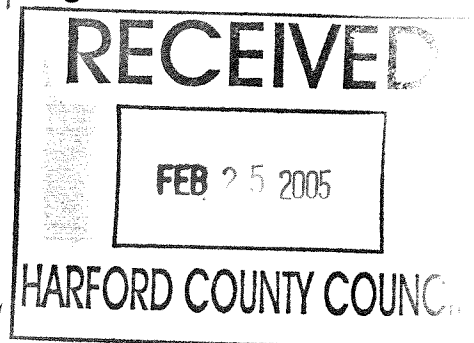
LOCATION: 3114 Troyer Road
Tax Map: 22 / Grid: 3F / Parcel: 5
Election District: Fourth (4)

ACREAGE: 153.85 acres

ZONING: AG/Agricultural

DATE FILED: January 07, 2005

HEARING DATE: March 9, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5470

David and Nancy Rose

Page 2 of 6

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to permit commercial vehicle storage in the Agricultural District.

Section 267-53D(1) of the Harford County Code reads:

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*
 - (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
 - (c) A minimum parcel area of two (2) acres shall be provided.*

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2)

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 3).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the northwest area of the County in an area known as Blackhorse. The parcel is located on the north side of Troyer Road just east of the Baltimore/Harford County line. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 4 and 5).

The subject property is located outside of the Development Envelope. The property is located in an area where the predominant land use designation is Agricultural. The Natural Features Map reflects Agricultural Preservation Districts and Easements, Maryland Environmental Trust Easements, Sensitive Species Project Review Areas, stream systems, Rural Legacy Areas and Deer Creek Scenic River District. The subject property is designated as Agricultural, which is defined as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit

STAFF REPORT

Board of Appeals Case Number 5470

David and Nancy Rose

Page 3 of 6

for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are no major residential developments in the area, only scattered dwellings mainly along the existing road. Enclosed with the report is a copy of the aerial photograph (Attachment 8).

The subject property is an unusual shaped parcel, approximately 153 acres in size and is actively farmed. This property has been entered into the County's Agricultural Preservation Program. The Topography of the area ranges from rolling to steep, especially along the stream valleys. The improvements consist of a large farmhouse, barns, grain building, office building, equipment and straw storage buildings. Along Troyer Road there is a separate parcel also owned by the applicant which contains approximately 10-silo, 9-large holding tanks, and a large storage building. There were several box trailers, road tractors, dump trucks, farm wagons, smaller utility trailers, and 4 trash trucks on the property the day of the site inspection. A topographic map, site photographs, and an enlargement of the aerial photograph are enclosed with the report (Attachments 9, 10 and 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. Small areas of B2/Community Business and B3/General Business zoning districts are located along Route 23. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 12).

Zoning Enforcement:

The subject request is the result of a zoning enforcement case. This Department received a complaint on October 20, 2004, that the property owner was allowing the parking of 4 trash trucks and various other commercial vehicles on the property. The Department conducted a site inspection on October 26, 2004. It was observed that trash trucks were being stored to the rear of a large granary operation. The Department sent the Applicant a letter on December 10, 2004, explaining the purpose of the inspector's visit to the property and the nature of the violation. On January 5, 2005 an application to the Board was filed with the Department. Enclosed with the

STAFF REPORT

Board of Appeals Case Number 5470

David and Nancy Rose

Page 4 of 6

report are copies from the Zoning Enforcement file for informational purposes only (Attachment 13).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to permit commercial vehicle storage in the Agricultural District.

Section 267-53D(1):

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

The subject property as well as the surrounding area is zoned AG/Agricultural.

- (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

The 4 trash trucks that are the subject of this request are located approximately 350-feet back from Troyer Road behind the office/shop building and silos. Due to the topography and the existing structures, the trucks are fully screened from the road and any adjoining residential lots. If approved, no additional screening would be necessary.

- (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to the request.

- (c) A minimum parcel area of two (2) acres shall be provided.*

The subject parcel is 153 acres in size

Section 267-9I:

- (1) The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The predominant land use is Agricultural with only scattered residential dwellings. The subject property is a large active grain farm that grows the product, processes the grain, and stores the grain. Due to the land uses

STAFF REPORT

Board of Appeals Case Number 5470

David and Nancy Rose

Page 5 of 6

in this area of the County large equipment is common. The trash trucks are stored approximately 350-feet back from the road behind large buildings and silos. The trucks cannot be seen from the road or adjacent residential properties. The storage of trash trucks on this property will not adversely impact persons living or working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Troyer Road (MD Route 138) is a State owned and maintained Minor Arterial – Rural road. There is good sight distance in both directions from the entrance of the property that is used for the vehicles. The trash trucks will not adversely impact traffic on Troyer Road.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District as a Special Exception with Board of Appeals approval. The Applicants can meet or exceed the Code requirements for the intended use. The request will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The number of commercial vehicles proposed by this request will not have an adverse impact on the community based on the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Jarrettsville/Norrisville Volunteer Fire Departments will provide fire and emergency protection. The property is served by private well and septic system. A company of the Applicants' choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection.

STAFF REPORT

Board of Appeals Case Number 5470

David and Nancy Rose

Page 6 of 6

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal will have no impacts on surrounding natural features.

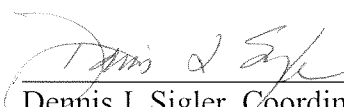
- (10) *The preservation of cultural and historic landmarks.*


The request should not impact any cultural or historic landmarks.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain a Zoning Certificate for the storage of the trucks.
2. The approval is for the applicants only and shall terminate upon sale of the property.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf